

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing
5 Sections 16-143 and 16-203 as follows:

6 (40 ILCS 5/16-143) (from Ch. 108 1/2, par. 16-143)

7 Sec. 16-143. Survivors' benefits - other conditions and
8 limitations. The benefits provided under Sections 16-141 and
9 16-142, shall be subject to the following further conditions
10 and limitations:

11 (1) The period during which a member was in receipt of a
12 disability or occupational disability benefit shall be
13 considered as creditable service at the annual salary rate on
14 which the member last made contributions.

15 (2) All service prior to July 24, 1959, for which
16 creditable service is granted towards a retirement annuity
17 shall be considered as creditable service.

18 (3) No benefits shall be payable unless a member, or a
19 disabled member, returning to service, has made contributions
20 to the system for at least one month after July 24, 1959,
21 except that an annuitant must have contributed to the system
22 for at least 1 year of creditable service after July 24, 1959.

23 (4) Creditable service under the State Employees'
24 Retirement System of Illinois, the State Universities
25 Retirement System and the Public School Teachers' Pension and
26 Retirement Fund of Chicago shall be considered in determining
27 whether the member has met the creditable service requirement.

28 (5) If an eligible beneficiary qualifies for a survivors'
29 benefit because of pension credits established by the
30 participant or annuitant in another system covered by Article
31 20, and the combined survivors' benefits exceed the highest
32 survivors' benefit payable by either system based upon the

1 combined pension credits, the survivors' benefit payable by
2 this system shall be reduced to that amount which when added to
3 the survivors' benefit payable by the other system would equal
4 this highest survivors' benefit. If the other system has a
5 similar provision for adjustment of the survivors' benefit, the
6 respective proportional survivors' benefits shall be reduced
7 proportionately according to the ratio which the amount of each
8 proportional survivors' benefit bears to the aggregate of all
9 proportional survivors' benefits. If a survivors' benefit is
10 payable by another system covered by Article 20, and the
11 survivor elects to waive the monthly survivors' benefit and
12 accept a lump sum payment or death benefit in lieu of the
13 monthly survivors' benefit, this system shall, for the purpose
14 of adjusting the monthly survivors' benefit under this
15 paragraph, assume that the survivor had been entitled to a
16 monthly survivors' benefit which, in accordance with actuarial
17 tables of this system, is the actuarial equivalent of the
18 amount of the lump sum payment or death benefit.

19 (6) Remarriage of a surviving spouse prior to attainment of
20 age 55 that occurs before the effective date of this amendatory
21 Act of the 91st General Assembly shall terminate his or her
22 survivors' benefits.

23 The change made to this item (6) by this amendatory Act of
24 the 91st General Assembly applies without regard to whether the
25 deceased member or annuitant was in service on or after the
26 effective date of this amendatory Act of the 91st General
27 Assembly.

28 (7) The benefits payable to an eligible child shall
29 terminate when the eligible child marries, dies, or attains age
30 18 (age 23 ~~22~~ if a full-time student); except that benefits
31 payable to a dependent disabled eligible child shall terminate
32 only when the eligible child dies or ceases to be disabled.

33 (Source: P.A. 90-448, eff. 8-16-97; 91-887, eff. 7-6-00.)

34 (40 ILCS 5/16-203)

35 Sec. 16-203. Application and expiration of new benefit

1 increases.

2 (a) As used in this Section, "new benefit increase" means
3 an increase in the amount of any benefit provided under this
4 Article, or an expansion of the conditions of eligibility for
5 any benefit under this Article, that results from an amendment
6 to this Code that takes effect after June 1, 2005 (the
7 effective date of Public Act 94-4) ~~this amendatory Act of the~~
8 ~~94th General Assembly~~. "New benefit increase", however, does
9 not include any benefit increase resulting from the changes
10 made to this Article by this amendatory Act of the 94th General
11 Assembly.

12 (b) Notwithstanding any other provision of this Code or any
13 subsequent amendment to this Code, every new benefit increase
14 is subject to this Section and shall be deemed to be granted
15 only in conformance with and contingent upon compliance with
16 the provisions of this Section.

17 (c) The Public Act enacting a new benefit increase must
18 identify and provide for payment to the System of additional
19 funding at least sufficient to fund the resulting annual
20 increase in cost to the System as it accrues.

21 Every new benefit increase is contingent upon the General
22 Assembly providing the additional funding required under this
23 subsection. The Commission on Government Forecasting and
24 Accountability shall analyze whether adequate additional
25 funding has been provided for the new benefit increase and
26 shall report its analysis to the Public Pension Division of the
27 Department of Financial and Professional Regulation. A new
28 benefit increase created by a Public Act that does not include
29 the additional funding required under this subsection is null
30 and void. If the Public Pension Division determines that the
31 additional funding provided for a new benefit increase under
32 this subsection is or has become inadequate, it may so certify
33 to the Governor and the State Comptroller and, in the absence
34 of corrective action by the General Assembly, the new benefit
35 increase shall expire at the end of the fiscal year in which
36 the certification is made.

1 (d) Every new benefit increase shall expire 5 years after
2 its effective date or on such earlier date as may be specified
3 in the language enacting the new benefit increase or provided
4 under subsection (c). This does not prevent the General
5 Assembly from extending or re-creating a new benefit increase
6 by law.

7 (e) Except as otherwise provided in the language creating
8 the new benefit increase, a new benefit increase that expires
9 under this Section continues to apply to persons who applied
10 and qualified for the affected benefit while the new benefit
11 increase was in effect and to the affected beneficiaries and
12 alternate payees of such persons, but does not apply to any
13 other person, including without limitation a person who
14 continues in service after the expiration date and did not
15 apply and qualify for the affected benefit while the new
16 benefit increase was in effect.

17 (Source: P.A. 94-4, eff. 6-1-05.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.